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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,999	02/06/2004	Pedro Zamora, JR.	6772P001	8421
8791	7590	01/19/2006	EXAMINER	
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				ART UNIT
				PAPER NUMBER
				3751

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 10/773,999	Applicant(s) ZAMORA,, PEDRO
Examiner Charles E. Phillips	Art Unit 3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 December 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 3 and 4 is/are allowed.
 6) Claim(s) 1,2,5,6,8-10 and 12-17 is/are rejected.
 7) Claim(s) 7,11,18 and 19 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____ |
|---|--|

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2,13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Myers.

See the wheels 30, frame 50 having first and second members 51,52,53 all shown disposed on a bathtub B. The members 51 meet claim 2.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers as applied supra.

To provide for the Myers structure to accomodate 200 lbs would have constituted an obvious parameter. The longitudinal members 51 of Myers as shown in fig. 1 contact less than 15% of the tub surface as recited in claim 17.

Claims 6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers, as applied supra, in view of Baker.

See the folding seat of baker in Fig. 3. To provide for this expedient in the Myers device would have been obvious to the ordinary artisan as same is shown in an

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identical art environment. The claim 8 substance is met by the cooperation of the wheels and track of Myers in Fig. 1. Claim 9 is met here by the removable nature of the arm rests 16 of Myers.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Myers, as applied supra, in view of Campbell.

To provide the former with the expedient of the brake 160 of the latter would have been obvious to the ordinary artisan as same is shown used in an identical art device.

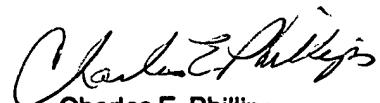
Claims 5,12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers, as applied supra, in view of Herman.

The provision of a telescopically adjustable frame feature such as shown in Figs. 2-3 of Herman, wherever needed or desired would have been obvious to the ordinary artisan for use in the former. Re: claim 15, the range of adjustment would have constituted an obvious expedient of choice in design.

Claims 7, 11 and 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3-4 are allowed.

Any inquiry concerning this communication should be directed to Charles E. Phillips at telephone number 571-272-4893.



Charles E. Phillips
Primary Examiner